

Plaintiff's Complaint for Temp Restraining Order

U.S District Court
595 Main Street
Worcester, MA 01608
508.929.9900

FILED
IN CLERKS OFFICE

MAR 25 A 9:45

U.S. DISTRICT COURT
DISTRICT OF MASS.

Case No.: **05-40056**
Complaint for

Karen E. Barnard,

Plaintiff, Pro Se

vs.

Unidentified Third Party, MA
Francis Gravel ~~at IBM~~

Defendant, Pro Se

Ex Parte Temporary Restraining Order

Third Parties- Alleged Buyer and Real Estate Agent
to be covered by Scope of Temporary
Restraining Order

Attached: Plaintiff's Affidavit

Plaintiff, resident of Alaska, co-owner of "The Real Property", residence Alaska

Defendant, resident of Vermont, co-owner of "The Real Property", residence unknown

"**The Real Property**" means home and acreage located at 205 Plains Road in the Town of Westford Vermont,

Defendant has threatened to sell co-owned Real Property without consent of Plaintiff. There are no debt collection issues regarding The Real Property. There are no statutes which provide for taking of Plaintiff's Title or interests by Defendant. **Defendant is acting without authority or consent of Plaintiff.**

Plaintiff's grounds for a Temporary Restraining Order are as follows:

1. **Lack of an Ex Parte Temporary Restraining Order will result in substantial and irreparable long term financial and emotional harm to Plaintiff** and her young daughter if Defendant succeeds in selling Plaintiff's interest in The Real Property. Quick action is needed!
 - a. Plaintiff will lose \$40,000-\$100,000 in lost revenue from a fraudulent sale.
 - b. If Defendant's actions continue, Plaintiff and young Child will be homeless
 - c. Plaintiff may be forced to pay \$10,000 or more to a Real Estate Agent for a fraudulent sale

Plaintiff's Complaint for Temp Restraining Order

- d. **Plaintiff has a serious back injury and unrelated serious head injury** from an automobile accident. **Plaintiff is a vulnerable adult being legally attacked** by Defendant.
- e. Plaintiff must retain her legal rights and interests in The Real Property to stay financially solvent as due to high medical costs.
- f. Plaintiff is selling her Real Property in Massachusetts and so has means to purchase Defendant's interests in the Vermont Real Property.

- 2. **Plaintiff alleges** that the jointly owned The Real Property is being fraudulently sold by Defendant against Plaintiff's consent.
- 3. **Plaintiff will retain Counsel to intervene. Counsel will** contact Defendant and then **determine if further action will occur in Federal or State Courts.**

a. Quick intervention will result in avoiding substantial costs brought on by lengthy litigation. Plaintiff wishes to minimize legal costs for both Plaintiff and Defendant.

b. **Plaintiff arrived late last night for the Easter weekend** and was **advised** by friends to **file** this Order in US District Court to prevent any action on part of Defendant **prior to her return to Vermont or Alaska.**

c. If there are jurisdictional issues please advise and issue Temp Restraining Order. Better to be safe. Federal procedure will allow an Order issued by this Court to be transferred to another Federal Court if jurisdiction issues are found to exist. Defendant's Actions must be stopped now!

4. **Order will not harm Defendant and will afford Equal Protection Under the Law for both parties.**

- a. Defendant is a highly paid IBM computer engineer
- b. Plaintiff requires Temp Restraining order to prevent undue hardship for the Plaintiff.

- 5. **Prevent financially powerful Defendant from overpowering Plaintiff by using intimidation, coercion and the Americal Legal System as a weapon against a vulnerable woman and young child.**

PTF has
right to
Federal Protection
in Diversity

Plaintiff's Complaint for Temp Restraining Order

Therefore, **Plaintiff respectfully requests** the Unites States District Court to grant Plaintiff **immediate relief today as follows:**

1. **An Immediate Ex Parte Temporary Restraining Order**
2. Plaintiff requests scope of the requested Temporary Restraining Order to cover Defendant AND known or unknown Third Parties who have and continue to act in concert with Defendant to sell and/or other wise Transfer The Real Property to a Third Party.
3. If denied, please issue findings of fact, findings of Law and/or other basis for denial.

Ex Parte Temporary Restraining Order to give immediate protection for Plaintiff's interests in The Real Property is thus warranted and required **to prevent further long term financial damage to Plaintiff and young Child as a result of Defendant's expressed intention to sell or otherwise transfer Title of Plaintiff's interests in The Property to a Third Party without the consent of the Plaintiff.**

I thank you in advance for your time and consideration in response to my urgent pleas for help,

Karen E. Barnard

Signed and Filed Friday March 25, 2005

9050 Claridge Place

Anchorage, Alaska 99507

Cell phone 508.826.9804- please call so I may come and get the signed Order

Plaintiff will personally serve Defendant with the signed order and Complaint by US Mail to:

Francis Gravel PO Box 76 Westford, VT 05494

Plaintiff's Affidavit for Temp Restraining Order

Plaintiff's Affidavit

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2005 MAR 25 A 9:45

U.S. DISTRICT COURT
DISTRICT OF MASS.

1. Plaintiff recently arrived from Alaska via Boston at The Real Property and found Defendant had removed Plaintiff's personal and business property.
 - a. Defendant had been living with consent from Plaintiff at The Real Property.
 - b. Defendant moved out of the Real Property without notice to Plaintiff
 - c. Plaintiff was last at The Property December 10, 2004 and returned to visit March 10, 2005.
 - d. Defendant's new residential address is unknown to Plaintiff.
2. Defendant has told Plaintiff that he is selling or otherwise transferring Title to Real Property to a Third Party **without Plaintiff's consent** at a secret time and date. Plaintiff has never given Defendant verbal or written authority to either retain The Real Property for Defendant's sole use, sell or Transfer The Real Property to a Third Party. Plaintiff has continually maintained her claim to The Real Property.
 - a. Plaintiff believes this fraudulent transfer **may occur at 7:30am Monday March 28, 2005**. An immediate Ex Parte Temp Restraining Order is thus warranted to prevent fraudulent transfer of Title of The Real Property, accepting and dispersing monies on behalf of Plaintiff.
 - b. Plaintiff alleges that carefully planned collusion and/or collusion by the Defendant and multiple Third Parties have resulted in the illegal and wrongful threatened sale of Plaintiff's Real and Personal Property.
3. Plaintiff maintains that Defendant's actions are are illegal, fraudulent and must be stopped.
4. Plaintiff claims that Defendant has or is planning to do all or some of the following:
 - a. Forge documents with Plaintiff's name
 - b. Falsely misrepresented Plaintiff with out authority or consent from Plaintiff
 - c. Transfer Title of The Real Property which is jointly owned

Plaintiff's Affidavit for Temp Restraining Order

5. Plaintiff has financial means to pay Defendant for his interests in The Real Property and to assume Title of the jointly owned Real Property.

- a. Impending sale of Plaintiff's Real Property in Massachusetts will give Plaintiff funds to buy Defendant's equity. Thus a Temporary Restraining Order will protect Plaintiff's Real property so Plaintiff may retain Counsel to work out the details of this transaction.


6. Plaintiff claims that the coercive circumstances and mechanisms used by the Defendant for the threatened sale of The Property are illegal and wrongfully executed.

- a. Plaintiff is in need of immediate protection under this Temporary Restraining Order.
- b. **Defendant's** behavior and policy is to deny Plaintiff ownership of jointly owned Real Property:
- c. Defendant has on multiple occasions, continually refused to discuss, negotiate, or otherwise allow Plaintiff to gain ownership of the jointly owned Real Property.
- d. Defendant has a history of control, superior financial means to obtain legal Counsel and the use of creative, subtle but aggressive use of the legal system to persecute and punish Plaintiff in order to deny her Property Rights

Plaintiff's Affidavit for Temp Restraining Order

7. **Plaintiff** has made it known to Defendant that she **desires to purchase Defendant's interests.**
8. **The Defendant's recent attack on Plaintiff's Real Property puts the Title to Real Property for ALL United States Citizens in jeopardy.** The US Federal Courts have a responsibility to further investigate and correct the mechanisms, business practices and loopholes which have resulted in continued and substantial damages to Plaintiff and her young Child. A Restraining Order will prevent further damage Title to Real Property.

Plaintiff, Karen E. Barnard certifies that this document is true to the best of her knowledge and belief.



Karen E. Barnard

Signed and Filed Friday March 25, 2005

9050 Claridge Place

Anchorage, Alaska 99507

Cell phone 508.826.9804- please call so I may come and get the signed Order

JS 44 (Rev. 11/04)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

Karen Barnard

(b) County of Residence of First Listed Plaintiff Worcester
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Pro Se

DEFENDANTS

County of Residence of First Listed Defendant Unknown MA resident
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

n/a

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- Citizen of This State ☒ 1 PTF ☒ 1 DEF Incorporated or Principal Place of Business In This State ☐ 4 PTF ☒ 4 DEF
- Citizen of Another State ☐ 2 ☒ 2 Incorporated and Principal Place of Business In Another State ☐ 5 ☐ 5
- Citizen or Subject of a Foreign Country ☐ 3 ☐ 3 Foreign Nation ☐ 6 ☐ 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition		

V. ORIGIN

(Place an "X" in One Box Only)

- ☐ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☒ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Diversity - PTF - rights Federal Protection from conspiracy to sell property
 DEF - Unknown Third Party in MA - fraudulent selling PTF Real Prop

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG JUDGE _____

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

1. Title of case (name of first party on each side only) Karen Barnard
Unidentified MA resident
2. Category in which the case belongs based upon the numbered nature of suit code listed on the civil cover sheet. (See local rule 40.1(a)(1)).
- ___ I. 160, 410, 470, R.23, REGARDLESS OF NATURE OF SUIT.
- ___ II. 195, 368, 400, 440, 441-444, 540, 550, 555, 625, 710, 720, 730, 740, 790, 791, 820*, 830*, 840*, 850, 890, 892-894, 895, 950. *Also complete AO 120 or AO 121 for patent, trademark or copyright cases
- ___ III. 110, 120, 130, 140, 151, 190, 210, 230, 240, 245, 290, 310, 315, 320, 330, 340, 345, 350, 355, 360, 362, 365, 370, 371, 380, 385, 450, 891.
- ___ IV. 220, 422, 423, 430, 460, 510, 530, 610, 620, 630, 640, 650, 660, 690, 810, 861-865, 870, 871, 875, 900.
- ___ V. 150, 152, 153.
3. Title and number, if any, of related cases. (See local rule 40.1(g)). If more than one prior related case has been filed in this district please indicate the title and number of the first filed case in this court.
4. Has a prior action between the same parties and based on the same claim ever been filed in this court?
- YES ☐ NO ☒
5. Does the complaint in this case question the constitutionality of an act of congress affecting the public interest? (See 28 USC §2403)
- YES ☐ NO ☒
- If so, is the U.S.A. or an officer, agent or employee of the U.S. a party?
- YES ☐ NO ☐
6. Is this case required to be heard and determined by a district court of three judges pursuant to title 28 USC §2284?
- YES ☐ NO ☐
7. Do all of the parties in this action, excluding governmental agencies of the united states and the Commonwealth of Massachusetts ("governmental agencies"), residing in Massachusetts reside in the same division? - (See Local Rule 40.1(d)).
- YES ☐ NO ☐
- A. If yes, in which division do all of the non-governmental parties reside?
- Eastern Division ☐ Central Division ☐ Western Division ☐
- B. If no, in which division do the majority of the plaintiffs or the only parties, excluding governmental agencies, residing in Massachusetts reside?
- Eastern Division ☐ Central Division ☐ Western Division ☐
8. If filing a Notice of Removal - are there any motions pending in the state court requiring the attention of this Court? (If yes, submit a separate sheet identifying the motions)
- YES ☐ NO ☐
- (PLEASE TYPE OR PRINT)
- ATTORNEY'S NAME Pro Se Plaintiff
- ADDRESS _____
- TELEPHONE NO. _____